[Mr. P. K. Dewer]

ഞ്ഞിട്ടുള്ളതു്. "സ്പെഷ്യൽ പെർമിറ്റപ്രകാരം വാങ്ങുന്ന പഞ്ചസാരയുടെ വില ഇരട്ടി യാക്കിയതിനുള്ള കാരണം എന്തു്" എന്നാണു് ചോദ്യം. അപ്പോൾ ഈ മറുപടി പൂർണ്ണ മാണോ?

Mr. P. Govinda Menon (*Ernakulam*): Was the answer prepared after referring to the file concerned.

Mr. K. Balakrishna Menon (*Minister for Food and Education*): I am not in a position to answer.

മിസ്റ്റർ എം. കെ. രാജ: സ്പെഷ്യൽ പെർമിറ്റപ്രകാരം പഞ്ചസാര നൽകുന്നതു് ഏതാനും ചില വ്യക്തികൾക്കു കിട്ടുന്ന ഒരു ആനുകൂല്യമായതുകൊണ്ടു്, അതിനു കൂടുതൽ വില വസൂലാക്കുന്നതു ന്യായമാണെന്നു വിശ്വസിക്കുന്നതുകൊണ്ടാണു് ഇതു് നടപ്പാക്കുന്നതെന്നു വിദ്യാഭ്യാസമന്ത്രിതന്നെ ഈ സഭയിൽ പ്രസ്താവിക്കുകയുണ്ടായിട്ടില്ലേ?

മിസ്റ്റർ കെ. ബാലകൃഷ്ണമേനോൻ: ഉണ്ടു്.

മിസ്റ്റർ എം. ഒ. തോമക്കുട്ടി: ഉപയോഗശൂന്യമായ ശർക്കര വാങ്ങിക്കുന്നതുകൊണ്ടല്ലേ പഞ്ചസാരയ്ക്കു വില കൂട്ടാനുണ്ടായ കാരണം?

മിസ്റ്റർ കെ. ബാലകൃഷ്ണമേനോൻ: അല്ല.

മിസ്റ്റർ പി. കുമാരനെഴുത്തച്ഛൻ: പലതും റൈറ്റ്ഓഫ് ചെയ്യുന്നതുപോലെ ഈ നഷ്ടവും റൈറ്റ്ഓഫ് ചെയ്തു നമുക്കു നല്ല പഞ്ചാരയും, ശർക്കരയും കിട്ടാനുള്ള ഏർപ്പാടു് ചെയ്തുകൂടെ?

മിസ്റ്റർ കെ. ബാലകൃഷ്ണമേനോൻ: ആലോചിക്കാം.

മിസ്റ്റർ എം. ഒ. തോമക്കുട്ടി: മേലിൽ ഇതിന്റെ കൺട്രോൾ എടുത്തുകളയുവാൻ വേണ്ട ഏർപ്പാട് ചെയ്തുകൂടെ?

മിസ്റ്റർ കെ. ബാലകൃഷ്ണമേനോൻ: അതിനു് ഇത്ര അധികം താമസം വേണ്ടിവരികയില്ല.

മിസ്റ്റർ കെ. കൊച്ചുകുട്ടൻ: പാവപ്പെട്ടവർക്കു് പഞ്ചസാര കുറച്ചു കിട്ടുമെന്നു് വിചാരിച്ചിട്ടാണോ ഇത്രയും വില കൂട്ടിയതു്?

മിസ്റ്റർ ജോസ്സ് കെ. വഗ്ഗീസ്സ്: ഇപ്പോൾ പഞ്ചസാര ബ്ലാക്കുമാർക്കറ്റിൽ ചിലവില്ലാത്തതുകൊണ്ടല്ലെ സാധുക്കൾ പഞ്ചസാര വാങ്ങിക്കാത്തതെന്നു് അറിയാമോ?

മിസ്റ്റർ കെ. കൊച്ചുകുട്ടൻ: പഞ്ചസാരയ്ക്കു വില കൂട്ടിയതുകൊണ്ടല്ലെ സാധുക്കൾ പഞ്ചസാര വാങ്ങിക്കാത്തതെന്നു് ഗവൺമെണ്ടിനു് മനസ്സിലായിട്ടുണ്ടോ?

മിസ്റ്റർ കെ. ബാലകൃഷ്ണമേനോൻ: എന്തുകൊണ്ടാണു് അവർ പഞ്ചസാര വാങ്ങിക്കാത്തതു് എന്നു് പറയുവാൻ സാദ്ധ്യമല്ല.

Mr. President: Question time is over. There is a motion standing in the name of Mr. P. Narayana Menon.

2. POINT OF ORDER

Mr. P. Sankara Menon (*Trichur-North*): I rise on a point of order, whether this is an official resolution, because, from the agenda it is seen that the day is allotted for official business alone and under section 6 of the Standing Orders, it is mandatory that on such days only official business shall be taken up. May I know whether this is official business?

Mr. President: Under what Standing Order?

Mr. P. Sankara Menon (*Trichur-North*): 6 (1)

Mr. President: That is the general rule no doubt, but the practice has been that in some cases....

Mr. P. Govinda Menon (*Ernakulam*): What practice? Absolutely no discretion is vested in the President. The only Standing Order under which any discretion is vested in the President is Standing Order No. 64 wherein it is stated: "64 (2). The motion shall be set down for such day as the President may direct". In all other matters when a day is set apart for official business the Standing Order seems to be mandatory that official business alone shall be transacted and with respect to these matters even you, Mr. President, are a creature of the Act, Rules and the Standing Orders.

Mr. President: Certainly. I would certainly abide by the Standing Orders because I am a creature of the Standing Orders and I am bound to abide by the Standing Orders.

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Mr. P. Govinda Menon *(Ernakulam):* And there is no precedent with respect to this resolution.

Mr. President: The whole question is whether on an official day, *i.e.*, a day set apart for official business, any non-official business can be transacted, whether it is absolutely forbidden. I would like to hear the opinion of the Constitutional Adviser on the point.

Mr. M. Sivarama Menon *(Constitutional Adviser):* I believe the Hon'ble Leader of the Opposition is relying upon section (6) (1) at page 14 of the Manual.

Mr. P. Govinda Menon *(Ernakulam:)*: I am referring to 6 (1) of the Standing Orders. "The Diwan after considering the state of business of the Council shall, at the commencement of each meeting, allot as many days as are in his opinion compatible with public interests for the business of the non-official members in the Council" that has already been done and allotted for Friday and Saturday—"and may allot different days for the disposal of different classes of such business"—on the days set apart for non-official business, different classes of non-official business may be distributed "and may from time to time during the meeting, alter such allotment and on these days such business shall have precedence" till that point the reference is to non-official business. Then comes official business "At all other times Government business shall have precedence".

Mr. President: At all other times, Government business shall have precedence.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* On a point of information. I should like to know whether this Standing Order has been changed either in letter or spirit or any syllable or word has been changed.

Mr. M. Sivarama Menon *(Constitutional Adviser)*: If my memory is correct, 'Diwan' will have no place there; it will be 'Government'.

Mr. P. Govinda Menon *(Ernakulam):* This is not merely a technical matter. We are as much interested in official business as officials themselves. I find from the Agenda that there are about 27 items of supplementary grants, about 16 Bills tabled to be introduced, other Bills pending—not that I object to—the House must carry on the official business.

Mr. M. Sivarama Menon *(Constitutional Adviser):* At all other times Government business shall have precedence. If any person who is entitled to have a preference is prepared to give way then alone there is scope for liberal interpretation. The wording is "shall have precedence". Precedence is a matter where in the case of Government business something else is put before that a person in whose favour or an institution in whose favour a precedence is given, whether they can waive that without their consent, in whatever way the Chair pleases, is a question which I am unable to answer without going through the authorities on the point and it is not possible for me to give a clear-cut answer just now on the spur of the moment.

Mr. P. Govinda Menon *(Ernakulam):* I must demur to the proposition that the official business is one in which the treasury bench alone is interested.

Mr. M. Sivarama Menon *(Constitutional Adviser)*: That is what I say, at all other times the Government business alone shall be transacted will be arguing like as a lawyer. I do not want to assume that role at present. Regard being had to the word 'precedence' in that rule there is something to be considered as to whether in favour of the Government a precedence is given whether that precedence can be set at naught is the question involved, or else the rule should say the Government business alone shall be transacted. But it only says 'shall have precedence'. Therefore this is a point which requires a little consideration and cannot be answered on the spur of the moment. If you had raised the point an hour before, I would, I think, be in a position to give a definite opinion. But now I cannot do so without going through precedents in other place and am not in a position to give a categorical answer.

മിസ്റ്റർ കെ. അയ്യപ്പൻ: കോൺസ്റ്റിറ്റ്യൂഷനൽ അഡൈ്വസർ വേറൊന്നും പറയേണ്ട. സർക്കാരിനോടാണ് ചോദ്യം. സർക്കാരുമായി ആലോചിച്ചിട്ടുണ്ടോ, ഇതിനു പ്രീസിഡൻസുകൊടുക്കാൻ? ഒരാൾക്കുവേണ്ടി സർക്കാർ വോവർ ചെയ്തിട്ടുണ്ടോ? We want an answer Sir. It is a question of fact.

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Mr. President: No reference has been made to the Government.

മിസ്റ്റർ കെ. അയ്യപ്പൻ: ആദ്യമായി അറിയേണ്ടതു ഗവൺമെണ്ടു അതിനു അനുവാദം കൊടുത്തിട്ടുണ്ടോ എന്നാണു".

Mr. P. Govinda Menon *(Ernakulam)*: If it is done by the Government we would like to know why our Government gave precedence to a non-official resolution in such a matter.

Mr. President: The rule was not clear to my mind and in view of what I considered to be an important matter the motion was placed here but as the Constitutional Adviser said the rule is not clear on the matter and if the Hon'ble members think that there is a mandatory rule which prevents it, certainly it may be posted for any other day.

Mr. P. Govinda Menon (*Ernakulam*): Under which rule is this posting for another day?

Mr. President: The whole objection is that it is posted for an official day.

Mr. K. Ayyappan (*Ezhuvas-Kanayannur*): At present that is the objection.

Mr. President: And that point has therefore to be made clear, whether it is within the competency of the Chair to post it on an official day. I want to know the opinion of the Constitutional Adviser.

Mr. M. Sivarama Menon (*Constitutional Adviser*): As I said the use of the word "precedence" creates some difficulty that the matter requires some reflection.

Mr. P. Govinda Menon (*Ernakulam*): The question arises at all only if, as the Hon'ble Member Mr. Ayyappan suggested, the Government has given precedence or is now prepared to give precedence.

Mr. M. Sivarama Menon (*Constitutional Adviser*): I say that sentence must be examined. If you are not prepared to give me some time for that I am not in a position to give an opinion whatever may be the consequences. To give haphazard answer is not possible. If you had only given me one hour I could have given an opinion. Therefore don't find fault with me for not giving an answer.

Mr. P. Govinda Menon (*Ernakulam*): Why I raised this question is simply this: I was in New Delhi when this resolution was tabled. Here I am today when this motion comes up. I am sitting here or standing here more as a member of the Constituent Assembly than as a Member of the Legislative Council and although your office had not the courtesy to send me the Agenda over there, you had the kindness to send me this particular resolution over there to New Delhi, you found out the address and sent it over there. As soon as I had it, I have handed over and placed the matter before the Constituent Assembly so that I get a ruling on this matter when the matter comes up here, because this will be a precedent not for Cochin alone but for other places as well on account of several political factors. As a man interested in this matter *I am very much interested to know what the procedure, the law and other things on this matter* are and therefore I would be raising a series of points of orders and I will be requesting you to give rulings, and I will be further requesting you that you may be pleased to give me an attested copy of the proceedings as soon as the days sitting is over. The question whether it is official business or non-official business is raised because *I want to know whether the Government of His Highness wants this motion to be moved and if it is* official business then it means that His Highness' Government wants this motion to be moved to-day and that is why it comes on an official day, on a day set apart for official business, and not for its technicalities but to know whether it is a motion moved by the Hon'ble Member Mr. Narayana Menon or whether it is a motion moved by His Highness' Government or for His Highness' Government.

Mr. President: Have there been precedents—not a motion of this sort—wherein a member had tabled a motion which was taken up on an official day.

Mr. P. Govinda Menon *(Ernakulam)*: By consent it might have been but there is no obligation for taking up such matters by consent.

Mr. President: Was it always so?

Mr. M. Sivarama Menon *(Constitutional Adviser)*: Probably no point has been raised like this. To my mind there has been no ruling upon this point.

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Mr. President: The Constitutional Adviser wants time.

Mr. M. Sivarama Menon (*Constitutional Adviser*): Because a serious question was raised.

Mr. Paramel Ipe Ipe (*Kunnamkulam*): If the question of fact which has been asked by Hon'ble Member Mr. Apyappan is answered, *i. e.*, if any precedence has been given by Government, the question of law does not arise.

Mr. P. Govinda Menon *(Ernakulam)*: And the party arraigned in the dock also ought to know whether it is an official motion.

Mr. M. K. Raja *(Mulakunnathukavu)*: I would request the Prime Minister as the Leader of the House to elucidate the point.

Rao Bahadur T. K. Nayar *(Prime Minister)*: The President himself elucidated saying that the matter was not referred to Government.

Mr. P. K. Dewer (*Nominated*): Now that it has come up, will the Government explain this position?

Rao Bahadur T. K. Nayar *(Prime Minister)*: The Government should examine the question.

Mr. P. K. Dewer *(Nominated)*: Whether they should get preference or not?

Rao Bahadur T. K. Nayar *(Prime Minister)*: Exactly. A non-official member has moved a resolution and the President has allotted this day for discussion and the President himself has stated that the matter has not been referred to Government.

Mr. P. Govinda Menon (*Ernakulam*): With due respect to the President, the President has no business to do it.

Rao Bahadur T. K. Nayar *(Prime Minister)*: That is a different matter altogether. I am answering for Government.

മിസ്റ്റർ പി. ടി. ജേക്കബ്: ഇതു അജൻഡയിൽ വന്നപ്പോൾ ഗവർമ്മെണ്ടു കണ്ടിട്ടില്ലേ?

റാവുബഹദൂർ ടി. കെ. നായർ: ഉവ്വ്.

മിസ്റ്റർ പി. ടി. ജേക്കബ്: അപ്പോൾ ഗവർമ്മെണ്ടു ഇതു നേരത്തെതന്നെ അറിഞ്ഞിട്ടുണ്ടു?

റാവുബഹദൂർ ടി. കെ. നായർ: അറിഞ്ഞിട്ടുണ്ടു. പ്രസിഡണ്ടിനു അധികാരമുള്ളതാണു ചെയ്തിട്ടുള്ളതു.

Mr. M. K. Raja (*Mulakunnathukavu*): That is worse. The Hon'ble Prime Minister is shifting the responsibility to the shoulders of the President.

Mr. President: In all fairness I should say that I take the sole responsibility for putting the motion where it is.

Rao Bahadur T. K. Nayar *(Prime Minister)*: With due respect I may submit that I am not at all shifting any responsibility. In fact, even if the Government wanted to move this resolution there is nothing wrong in the President putting on a non-official day. We will be equally satisfied if we want to move it.

Mr. P. Govinda Menon *(Ernakulam)*: If you want to move it, you must move it.

Rao Bahadur T. K. Nayar *(Prime Minister)*: "We" means the Ministerialist Party. Otherwise this question would not have arisen.

മിസ്റ്റർ കെ. അയ്യപ്പൻ: ഇതു പാർട്ടിമോഷനാണോ?

റാവുബഹദൂർ ടി. കെ നായർ: അതു മോഷൻ കൊണ്ടുവരുമ്പോൾ പറയാം.

Mr. President: I would very much like to have this question elucidated. I put it on this day on my own responsibility and if it is found that I have no authority to do so, certainly, I must abide by the rules. But I would like to have an elucidation on this intricate matter by the expert opinion and therefore I would postpone the consideration of the question to another day.

Mr. P. Govinda Menon *(Ernakulam)*: Which question, Sir?

Mr. President: For elucidating whether I have the power. That is the point. Unless I get a decision on that I cannot proceed any further, the House cannot proceed any further and therefore let me await that opinion. Give me the chance so that I may get the opinion of the expert in this matter. These are very intricate matters of law and therefore there may be

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[Mr. President]
two sides to a question and if the House will be so tolerent as to give me time and if the House is considerate to grant me the time, I would certainly, after getting the decision, proceed further.

Mr. P. Govinda Menon (*Ernakulam*): Proceed on what, Sir?

Mr. President: Proceed then whether it should be on an official day or not and if it is found that it cannot be posted on an official day, then the Chair may think of making changes in the Agenda and posting it for a non-official day.

Mr. P. Govinda Menon (*Ernakulam*): Not with our consent?

Mr. President: It may be with your consent or not,—if the rules permit that. I hope the House will understand the Chair's difficulty also. If the rules permit and if it is found that this is a matter which cannot be posted for an official day then the Chair must think of what the next step to be taken is, whether it should be posted for a non-official day.

Mr. P. Govinda Menon (*Ernakulam*): It has to be balloted. It cannot be posted.

Mr. President: It is not to be balloted. How?

Mr. P. Govinda Menon (*Ernakulam*): When it comes to that I will say that.

Mr. P. Kumaran Ezhuthassan (*Vadakkancheri*): He has stated that he is not prepared to say. Why then solicit, court and coax?

Mr. President: It is neither coaxing or cajoling. I hope the expert opinion will elucidate the point and after that the next step will be taken with the co-operation of the House.

Mr. P. Govinda Menon (*Ernakulam*): The elucidation will be in the open House, I suppose.

Mr. President: Certainly. If it is not made in the open House the Hon'ble Member can take up the point again and again. Now we are at a stand-still. That is what I honestly feel. I place it before the House. Instead of proceeding with the matter in the light of the difficulty created and in the light of the fact that the Constitutional Adviser himself who is a great expert in this matter wants time, I am prepared to get his opinion in this matter and then proceed to the next step.

Mr. P. Sankara Menon (*Trichur-North*): I want a ruling.

Mr President: That is the ruling. I have taken my decision. You must understand that it is one among you who sits here whatever might be the other considerations. The House can pass on to the next item on the Agenda.

Mr. Paramel Ipe Ipe (*Kunnamkulam*): Regarding the question of fact as to who gave precedence to this motion?

Mr. President: When the motion was accepted I take the sole responsibility.

Mr. P. Govinda Menon (*Ernakulam*): I do not create any difficulty. Under what provision?

Mr. President: If the House agrees.....

Mr. P. Govinda Menon (*Ernakulam*): If the house agrees?

Mr. Pesident: Under Standing Order 70, I propose to proceed to the next item. There was an item that was reserved for consideration today. We shall take it up now.

3. DEMANDS FOR SUPPLEMENTARY GRANTS

(6)—30—Public Works—Water works by transfer from B 1. 36/23 (*Cont.*)

റാവുബഹദൂർ ടി. കെ. നായർ: പബ്ലിക്കവർക്സ് ഡിപ്പാർട്ട്മെൻറിലേക്കുള്ള ഫണ്ടിന്റ തുപായുടെ ഒരു ധനാഭ്യർത്ഥനകൊണ്ടുവന്ന അവസരത്തിൽ B. ക. നമ്പ/റ. ന-ൽ നിന്നും ട്രാൻസ്ഫർചെയ്യാനുള്ള കാരണമെന്താണെന്നു മിസ്റ്റർ എഴത്തശ്ശൻ ചോദിച്ചതിനു അതിന്റെ വിശദവിവരം ഇന്നു പറയാമെന്നു പറഞ്ഞിരുന്നു. അതു ഇതാണു്. ബഡ്ഡറ്റിൽ രണ്ടു ഫിൽട്ടർ വാങ്ങിയ്ക്കാനുള്ള പ്രൊവിഷനുണ്ടു്. കഴിഞ്ഞ കൊല്ലത്തിൽ രണ്ടു ഫിൽട്ടർ വാങ്ങിയിട്ടുണ്ടു്. അതു ഫിറ്റചെയ്യാനുള്ള ബുദ്ധിമുട്ടുകൊണ്ടു ഫിറ്റചെയ്തിട്ടില്ല. അതിന്റെ പണം കൊടുക്കാൻ കുറച്ചു താമസം വേണ്ടിവരും. അതുകൊണ്ടു രണ്ടെണ്ണം ഈ കൊല്ലത്തിൽ വാങ്ങേണ്ട എന്നു നിശ്ചയിച്ചു. ഇതിന്റെ റിസൽട്ട അറിഞ്ഞിട്ടു വേണമെങ്കിൽ വരുന്നകൊല്ലത്തിൽ വരുത്താമെന്നാണു് തീച്ചയാക്കിയിരിക്കുന്നതു്. അതിനുവേണ്ടി നിശ്ചയിച്ചിട്ടുള്ള തുകയിൽനിന്നാണു് Transfer ചെയ്യാമെന്നുവെച്ചതു്.

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